

立法會
Legislative Council

LC Paper No. CB(2)2882/01-02

(These minutes have been
seen by the Administration)

Ref : CB2/BC/9/01

Bills Committee on United Nations (Anti-Terrorism Measures) Bill

**Minutes of the 12th meeting
held on Thursday, 27 June 2002 at 2:30 pm
in the Chamber of the Legislative Council Building**

Members Present : Hon LAU Kong-wah (Chairman)
Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon James TO Kun-sun
Hon CHAN Kam-lam
Hon Howard YOUNG, JP
Dr Hon YEUNG Sum
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon LEE Cheuk-yan
Hon Eric LI Ka-cheung, JP
Hon Andrew WONG Wang-fat, JP
Hon Jasper TSANG Yok-sing, JP

Public Officers Attending : Mr Timothy TONG, JP
Deputy Secretary for Security

Ms Mimi LEE
Principal Assistant Secretary for Security (Narcotics)

Mr Johann WONG
Principal Assistant Secretary for Security

Ms Judy Maguire
Consultant (Narcotics)

Mrs Wendy CHOI
Assistant Secretary for Security

Mr Geoffrey Fox
Senior Assistant Law Draftsman

Mr John Hunter
Deputy Principal Government Counsel
Treaties and Law Unit
International Law Division

Mr Lawrence PENG
Senior Government Counsel
Law Drafting Division

Clerk in Attendance : Ms Doris CHAN
Chief Assistant Secretary (2) 4

Staff in Attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Miss Mary SO
Senior Assistant Secretary (2) 8

Ms Janet SHUM
Senior Assistant Secretary (2) 9

I. Meeting with the Administration
(LC Paper Nos. CB(2)2424/01-02(02) to (04))

The Bills Committee deliberated (Index of proceedings at the **Annex**).

2. The Bills Committee continued clause-by-clause examination of the Bill, taking into account the updated draft Committee Stage amendments (CSAs) to be moved by the Administration tabled at the meeting (LC Paper No. CB(2)2424/01-02(01)).

3. In light of the views expressed by members on the proposed CSAs, the

Administration agreed to consider the following -

- (a) To provide a written reply to explain whether the provisions relating to the freezing of funds and compensation were in compliance with the property right protection requirement provided under the Basic Law.
- (b) To revise clause 17(1)(b) regarding the circumstances in which proceedings would be held in camera and to provide examples of the circumstances under which court proceedings had to be held in camera.

II. Date of next meeting

- 4. Members noted that the next meeting was scheduled for Friday, 28 June 2002 at 8:30 am.
- 5. There being no other business, the meeting ended at 4:45 pm.

Council Business Division 2
Legislative Council Secretariat
7 October 2002

**Bills Committee on United Nations (Anti-Terrorism Measures) Bill
Meeting on Thursday, 27 June 2002 at 2:30 pm
in the Chamber of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000 - 000253	Chairman	Opening remarks	
000253 - 000558	Administration	Purpose of new subclause 14(A) explained	
000558 - 000654	Ms Cyd HO	Ditto	
000654 - 000909	Administration, Ms Cyd HO	Ditto	
000909 - 001631	Mr Albert HO, Administration	Ditto	
001631 - 002116	Miss Margaret NG, Administration	Ditto	
002116 - 002304	Mr Albert HO, Administration	Ditto	
002304 - 002544	Ms Audrey EU, Administration	Delegation of authority of the Chief Executive and the Secretary for Security "to any public officer" as specified in clause 15(2) & (3)	
002544 - 003036	Mr Albert HO, Administration	Ditto	
003036 - 003426	Ms Audrey EU, Administration	Ditto	
003426 - 003839	Mr Albert HO, Miss Margaret NG, Administration	Ditto	
003839 - 004103	Administration	Ditto	
004103 - 004307	Miss Margaret NG	Suggested adding a new clause 16(1)(a)(iii) to protect the right of the third party and inserting additional words in clause 16(1)(b)	
004307 - 004711	Ms Audrey EU, Administration	The Administration should consider deleting clause 16(2)(b) and (5)(b)	
004711 - 004917	Ms Audrey EU, Administration	Ditto	
004917 - 005119	Miss Margaret NG	Suggested deleting "there are reasonable grounds to suspect that" in clause 16(3)(b)(iii)	
005119 - 005441	Chairman, Administration	Ditto	
005441 - 005603	Miss Margaret NG, Administration	Ditto	
005603 - 005723	Ms Audrey EU, Chairman	Ditto	
005723 - 005843	Mr Albert HO	The requirement that there had been some serious default on the part of any person concerned with the seizure or detention of the property concerned in new clause 16A should be deleted	
005843 - 005923	Mr Yeung Sum	Ditto	
005923 - 010039	Mr Albert HO, Administration	Ditto	
010039 - 010247	Ms Audrey EU	Ditto	
010247 - 010415	Miss Margaret NG, Administration	Ditto	
010415 - 010530	Mrs Selina CHOW	Ditto	
010530 - 010935	Ms Cyd HO, Administration	Ditto	
010935 - 011132	Mr Yeung Sum	Ditto	
011132 - 011233	ALA	Informed members that the Charter of the United Nations (Anti-Terrorism Measures) Regulations 2001 in Australia provided compensation to owners of assets for loss	

		resulting from the application of the Regulations	
011233 - 011619	Miss Margaret NG, Ms Cyd HO, Administration	Ditto	
011619 - 011824	Ms Audrey EU, Mr Albert HO	Requested the Administration to provide a written reply before the meeting on 28 June 2002 to explain whether clauses related to the freezing of funds and compensation were in accordance with the Basic Law in protecting property rights	Adm to provide a written response
011824 - 011929	Administration	Explained technical amendments to clause 17	
011929 - 012144	Ms Audrey EU	Ditto	
012144 - 012430	Administration, Ms Audrey EU	Ditto	
012430 - 012445	ALA	Circumstances in which court proceedings are "held in camera" under existing law	
012445 - 012611	Administration	Ditto	
012611 - 013000	Ms Audrey EU, Administration, Chairman	Ditto	
013000 - 013427	Ms Audrey EU, Miss Margaret NG, Administration	Ditto	
013427 - 013733	Administration	The Administration agreed to amend clause 17(1)(b) in the revised CSAs	
013733 - 013814	Ms Cyd HO	Ditto	
013814 - 014056	Ms Emily LAU, Administration	Ditto	
014056 - 014613	Ms Emily LAU, Administration	The Administration agreed to provide examples of cases in which proceedings had been "held in camera" under special circumstances such as due to reasons of security	Adm to provide a written response
014613 - 014752	Mr Howard Young	Ditto	
014752 - 014907	Administration	The Administration would consider replacing "international relationship" with "external relationship" in clause 17(1)(b)(i)(A)	
014907 - 015107	Ms Audrey EU	Ditto	
015107 - 015557	Mr James TO, Administration	Ditto	
015557 - 015920	Ms Emily LAU, Administration, ALA	Ditto	
015920 - 020034	Administration, Ms Emily LAU	Ditto	
020034 - 020415	Mrs Selina CHOW, Miss Margaret NG	Ditto	
020415 - 020551	Mrs Selina CHOW, Administration	The Administration agreed to consider Miss Ng's suggestion as regards the amendment to clause 17(1)(b)	
020551 - 020704	Ms Emily LAU	Ditto	